

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

GAIL GALLOWAY	:	
Plaintiff	:	
	:	
v.	:	No. 1:00-CV-00649
	:	
PENNSYLVANIA BOARD OF	:	Judge Rambo
PROBATION AND PAROLE, <i>et al.</i> ,	:	
Defendants	:	Magistrate Judge Smyser

MOTION FOR AN ENLARGEMENT OF TIME IN WHICH  
TO RESPOND TO THE AMENDED COMPLAINT

Defendants Joseph Smith, Daniel Roberts, George Johnson, Charles B. Giornesto, Arthur R. Thomas, K. Scott Roy, Thomas Ridge, William Ward, Sharon Burks, Seth Mendelsohn, Fred Jacobs, Neil Mechling and James Morgan,<sup>1</sup> by their attorneys, ask the Court for an enlargement of thirty days to file responses to the

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<sup>1</sup>At present, it is not clear to counsel whether plaintiff believes he may sue all the remaining Commonwealth defendants for the alleged violation of his Fourth Amendment rights concerning his arrest on June 1, 1998. Out of a possibly overabundance of caution, counsel is filing this motion on behalf of all arguably remaining defendants.

amended complaint. In support they supply the following information.

1. The Amended Complaint consists of 43 pages of allegations, the vast majority of which concern these thirteen defendants.
2. As recited in footnote one, the remaining claim on remand from the Court of appeals regards plaintiff's arrest on June 1, 1998.
3. Because plaintiff was released from a state correctional institution on the expiration of his maximum sentence, he has not been on parole since the date of his arrest. As a consequence, whatever Board files still exist concerning his prior parole supervision have been archived. Although those files were requested more than a week ago, they have not been delivered to defense counsel to date. It is unclear how long it will take to locate any remaining files.
4. Defense counsel needs to review those files before he can properly respond to the Amended Complaint. Counsel estimates that he should have whatever files exist concerning the June 1, 1998, incident in time to respond to the Amended Complaint by Monday, March 29, 2004.
5. Plaintiff has graciously concurred in this motion.<sup>2</sup>

WHEREFORE, defendants Joseph Smith, Daniel Roberts, George Johnson,

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<sup>2</sup>In fact, plaintiff stated that defense counsel could request more than thirty days if he needed them.

Charles B. Giornesto, Arthur R. Thomas, K. Scott Roy, Thomas Ridge, William Ward, Sharon Burks, Seth Mendelsohn, Fred Jacobs, Neil Mechling and James Morgan request until Monday, March 29, 2004, to file responses to the Amended Complaint.

Respectfully submitted,

D. MICHAEL FISHER  
Attorney General

BY: s/ Francis R. Filipi  
FRANCIS R. FILIPI  
Senior Deputy Attorney General  
Attorney ID# 18630

SUSAN J. FORNEY  
Chief Deputy Attorney General  
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DATE: March 1, 2004

Counsel for Defendants  
Pennsylvania Board of Probation  
And Parole, Joseph Smith, Daniel  
Roberts, George Johnson, Charles  
B. Giornesto, Arthur R. Thomas, K.  
Scott Roy, Thomas Ridge, William  
Ward, Sharon Burks, Seth  
Mendelsohn, Fred Jacobs, Neil  
Mechling and James Morgan

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

GAIL GALLOWAY

Plaintiff

v.

PENNSYLVANIA BOARD OF  
PROBATION AND PAROLE, *et al.*,

Defendants

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No. 1:00-CV-00649

Judge Rambo

Magistrate Judge Smyser

CERTIFICATE OF CONCURRENCE

I, FRANCIS R. FILIPI, hereby certify that concurrence in the Motion for an  
Enlargement of Time in Which to Respond to the Amended Complaint was sought  
from plaintiff and he has concurred.

*s/ Francis R. Filipi*  
FRANCIS R. FILIPI

DATED: March 1, 2004

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Plaintiff	:	
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Defendants	:	

CERTIFICATE OF SERVICE

I, FRANCIS R. FILIPI, Senior Deputy Attorney General, hereby certify that on this date I caused to be served a copy of the foregoing Motion for an Enlargement of Time to Respond to the Amended Complaint, by depositing a copy in the United States Mail, postage prepaid, first class, in Harrisburg, PA, addressed to the following:

Gail Galloway  
R.D. #1, Box 30  
Petersburg, PA 16669

Plaintiff

*s/ Francis R. Filipi*  
FRANCIS R. FILIPI  
Senior Deputy Attorney General

DATED: March 1, 2004